

**SOCIAL SERVICES AGENCY
ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL**

SUBJECT: Civil Rights and Nondiscrimination

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Approved: *Signature On File*

Date: 11-19-02

I. PURPOSE

To establish an Agency policy and procedure for ensuring compliance with State and Federal civil rights laws and regulatory requirements, handling of allegations of discrimination reported by applicants or recipients of Social Services programs and to designate employee responsibilities.

II. POLICY

Pursuant to State and Federal laws, and the California Department of Social Services (CDSS) Manual of Policy and Procedures (MPP), counties are required to ensure that the administration of public assistance and Social Services programs is nondiscriminatory. No person shall, because of race, color, national origin, political affiliation, religion, marital status, sex, age or disability, be subjected to disparate treatment or be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity. Administrative methods and procedures that have the effect of subjecting individuals to discrimination or defeating the objectives of these laws and regulations are prohibited.

Pursuant to CDSS MPP 21-100, CDSS reserves the right to interview staff, review, copy or obtain all data, records, reports, case files and other materials determined necessary in the conduct of discrimination complaint investigations involving all agencies subject to these requirements. County welfare departments, contractors, vendors, consultants and other providers of service who receive federal or state assistance through CDSS or through agencies covered by CDSS regulations are mandated to comply with these requirements.

References

CDSS-MPP 21-100 Nondiscrimination in State and Federally Assisted Programs
CDSS-MPP 21-201 Compliance Procedures and Reporting
CDSS-MPP 21-203 Applicant/Recipient Complaints of Discriminatory Treatment
CDSS-MPP 21-205 Compliance
Title VI Civil Rights Act of 1964 as Amended

III. PROCEDURE

A. Dissemination of Civil Rights Information

All applicants, recipients and other interested parties/persons are to be informed of the civil rights provisions and the procedures for filing civil rights complaints.

1. SSA District Managers shall ensure that all waiting rooms and reception areas contain the state required civil rights posters and a supply of the current version of the civil rights pamphlets in the county population's primary languages, as well as in alternate formats (e.g.; large print, cassette tapes, etc.) for the reading and hearing impaired.
2. Eligibility Technicians/Employment and Eligibility Specialists/Social Workers must provide and explain the civil rights pamphlet, "Your Rights Under California Welfare Programs", to each applicant/recipient during the application and reinvestigation of eligibility process.
3. The name, telephone number and office address of the County Civil Rights Coordinator shall be identified on all civil rights notifications

B. Services for Non-English and Limited English Proficiency Speaking or Disabled Applicants and Recipients

Effective bilingual/interpretive services shall be provided for the non-English and limited English proficiency speaking population and individuals with disabilities promptly and without undue delay. For specific procedures see P & P E 21, Sign and Non-English Language Interpretive Services.

C. Documentation of Applicant/Recipient Case records

Agency case records shall contain documentation to support compliance with CDSS Division 21 requirements including the following:

1. Applicant's and recipient's ethnic origin and primary language, and if applicable their disability status
2. All bilingual services provided and non-English and limited English proficiency speaking individual's acceptance or refusal of forms or other written material offered in their primary language
3. Informing clientele of the potential problems for ineffective communication when they provide their own interpreter
4. Documentation of consent for the release of information obtained from clientele when non-county employees are used as interpreters

D. Civil Rights Training

All public contact employees shall receive training in cultural awareness and the requirements of CDSS Division 21. Assigned civil rights complaint investigators shall receive additional instruction in the investigation of discrimination complaints.

E. Complaints of Civil Rights Discrimination

All applicants/recipients of Orange County Social Services Agency programs or activities or their "Authorized Representative" have the right to file a discrimination complaint with the county, state and federal government within 180 days of an alleged discriminatory action. Both verbal and written complaints shall be accepted and investigated using the following guidelines:

1. Receipt of Complaints (See Attachments I and II)
2. Responsible Agency for Filing Complaints

Complaints filed at the state level will be investigated by the County Civil Rights Investigation section (SSA Program Integrity). Complaints filed at the federal level will be investigated by the U.S. Department of Health and Human Services (DHHS) and/or the U.S. Department of Agriculture (USDS). A complaint may be filed concurrently with each responsible agency. Correspondence should be addressed as follows:

County Level:

All Programs including Medical Services for Indigents (MSI) and General Relief (GR)*:*

SSA Program Integrity
P. O. Box 22001
Santa Ana, CA 92701-2001
Attn: Civil Rights Coordinator
or

SSA Program Integrity
Building #180
Attn: Civil Rights Coordinator

** The MSI and GR programs are county programs over which the State and Federal level agencies do not have jurisdiction concerning civil rights matters.*

State Level:

All Programs other than Medi-Cal, MSI or GR:

California Department of Social Services
Civil Rights Bureau
744 P Street, M.S. 15-70
Sacramento, CA 95814

Medi-Cal:

State Department of Health Services
Civil Rights Bureau
714 P Street
Sacramento, CA 95814

Federal Level:

All programs other than Food Stamps, MSI or GR:

U.S. Department of Health and Human Services
Office of Civil Rights
50 U. N. Plaza, Room 322
San Francisco, CA 94102

Food Stamp Program:

United States Department of Agriculture
Food & Nutrition Services
Office of Civil Rights
550 Kearny Street Ste. 400
San Francisco, CA. 94108

3. Complaints Against Other Agencies

- a. Civil rights complaints received at SSA against District Attorney Welfare Fraud Unit staff shall be forwarded to the Commander of the Welfare Fraud Bureau for investigation and resolution.
- b. Complaints received against all other agencies shall be forwarded to that agency for investigation and resolution.
- c. Complaints received against other agencies can be forwarded directly to that agency or can be referred to Program Integrity for forwarding.

4. SSA District Manager Responsibilities

- a. Ensure staff assist clientele with the filing of discrimination complaints upon their request.
- b. Ensure staff accept and promptly forward discrimination complaints received at district offices to the SSA Civil Rights Coordinator.
- c. Initiate corrective action required as a result of an investigation including resolution of the problem which prompted the complaint or was discovered as a result of an investigation, and development of a policy or plan to ensure that problems of a similar nature do not recur.

5. Civil Rights Coordinator (SSA Program Integrity Manager) Responsibilities

- a. **Maintain copies of all discrimination complaints and investigation results for a minimum of three years.**
- b. Provide oversight to the investigation process and final authorization of civil rights investigation reports of findings and conclusions on discrimination allegations and recommendations for corrective action.

6. Civil Rights Investigator Responsibilities

Process and investigate when applicable all complaints filed at the county level (see Attachment III).

7. Complainant's Right to Appeal Investigation Findings

Upon completion of the investigation by the county, the complainant must be afforded the opportunity to appeal the Agency's conclusion to the appropriate state or federal agency should he or she disagree with the county's conclusion.

F. Compliance Procedures and Reporting

The Agency shall submit to CDSS an initial Civil Rights Plan and subsequent annual updates in accordance with CDSS direction which will function as a guide in developing the Agency's policy of providing nondiscrimination in the available programs, activities, benefits and services.

Attachments

Attachment I	Receipt of Discrimination Complaints
Attachment II	Discrimination Complaint Form F063-08-80
Attachment III	Civil Rights Complaint Investigations

ATTACHMENT I

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RECEIPT OF DISCRIMINATION COMPLAINTS

Recipient of Complaint

Provide Discrimination Complaint form F063-08-80 (Attachment II) to individual alleging discrimination.

- Complaint form is to be provided in complainant's primary language when ever possible. Contact Program Integrity for non-English forms.
- Provide assistance with completing form if requested.
- If complainant declines or is unable to complete and/or sign the form, or if the complaint is made by phone or verbally, the person to whom the allegation is made shall put the elements of the complaint in writing.
- Provide name/phone number of CR coordinator if complaint is taken over the phone (this information is listed on the complaint form).
- Assure complainant that the complaint will be reviewed and he/she will receive a written response.

Route complaint form to the Civil Rights Coordinator, Building #180, within 48 hours of receipt.

ATTACHMENT II

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**COUNTY OF ORANGE
SOCIAL SERVICES AGENCY
PROGRAM INTEGRITY
1200 N. MAIN STREET
P.O. BOX 22001
SANTA ANA, CA 92702-2001
(714) 480-6513**

**LARRY M.
LEAMAN
DIRECTOR**

**ANGELO DOTI
CHIEF DEPUTY DIRECTOR**

Attn: Civil Rights Coordinator

RE: Discrimination Complaint

Name: _____ Date: _____

Case Number: _____ SSN: _____

Type of Aid: ☐ CalWorks ☐ Food Stamps ☐ Medi-Cal ☐ General Relief
☐ IHSS ☐ APS ☐ MSSP ☐ Child Care
☐ Welfare to ☐ Children and Family ☐ Other _____
Work Services

I believe I have received discriminatory treatment based on my:

☐ Race ☐ National Origin ☐ Religion ☐ Color ☐ Age
☐ Sex ☐ Marital Status ☐ Disability ☐ Political Affiliation

Date of Incident:

Place of incident:

Names (s) and title (s) of person (s) I believe have discriminated against me:

Name Title

Name Title

Summary of the actions, statements, decisions or conditions which cause em to file this complaint:

I am aware that my complaint will be investigated and that I will be informed of the results of the investigation.

Signature: _____

Address: _____

Telephone: _____

DISCRIMINATION INVESTIGATION PROCESS

Contact Complainant

Within 20 calendar days of the county's receipt of a complaint, inform complainant in writing of investigation to be conducted.

- Schedule interview with complainant and advise of the right to have a representative or counsel present during the interview.
 - Within 60 calendar days following the receipt of complaint complete an investigation and attempt to resolve issues.
-

Case Review

Review related case(s) prior to complainant interview as appropriate.

**Complainant
Interview**

- Explain confidentiality, time frames, right to appeal findings and prohibition of retaliation.
- Obtain the following information during the interview:
 - Complainant's name, address, telephone and case number
 - Date and place of alleged discriminatory treatment
 - Basis of discrimination (race, religion, etc.)
 - Nature of the action, decision or conditions of the alleged discrimination
 - Name(s) of individual(s) responsible for the action, decision or condition
 - Information known to the claimant which supports his/her allegation
 - Any indications of reprisal, intimidation or harassment as a result of the complaint
 - Names of possible witnesses whom the complainant wishes to have interviewed
 - Relief sought by the complainant

Employee Interview

Interview employee(s) alleged to have acted in a discriminatory manner.

- Advise of the right to have a representative present during the interview.
- Identify the complainant and describe the nature of the complaint.
- Explain that any information or statements given may become part of the complaint file that is accessible to the complainant.
- Explain there may be disciplinary action if it is determined there was a discriminatory act or if he/she refuses to cooperate in the investigation.
- Explain that the file will be kept confidential except to the extent necessary to conduct the investigation.
- Obtain the employee's statement regarding the complaint.

ATTACHMENT III

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**Witness
Interviews**

Interview witnesses as appropriate and other county staff, including supervisors of employees named in complaint.

Optional

Case Reviews

Evaluate the general environment in which the alleged discriminatory action occurred. If necessary (depending on outcome of investigation), conduct caseload sample reviews to evaluate for possible disparate treatment.

- Conduct random reviews of about 20 cases from employee's caseload to compare treatment of members of the same race, disability status, ethnic group, etc. with those not of that group.
- Contact recipients to determine their perception of treatment received by employees of SSA.
- Compare the treatment of caseload clientele of the employee alleged to have discriminated with the treatment provided by other employees for a similar group.
- Use information gathered to determine if a pattern of discriminatory treatment exists.

Conclusion

Within 20 calendar days following investigation and no later than 80 days from receipt of complaint, notify complainant and the SDSS Civil Rights Bureau (CRB) of conclusion of investigation.

- Evaluate the facts and determine if discrimination occurred.
- Prepare a report for the State CRB addressing all issues raised by complainant summarizing findings and the conclusion, and include recommendation for corrective action as appropriate.
- Prepare a letter to complainant informing of the results of the investigation